

TO: Zoning Board of Adjustment
FROM: Community Development Department

DATE: April 12, 2017

RE: CASE #CU-17-001

REQUEST: A conditional use permit to allow 'automobile sales and rental, as further limited by Section 15.15.060' in a C-2 Commercial District.

APPLICABLE

CODE SECTIONS: §15.20.020 - Zoning Board of Adjustment
The Zoning Board shall have the following powers:
b. To make final decisions on applications for conditional uses.

§15.15.030 – Conditional uses in a C-2/General Commercial District
03. 'Automobile sales and rental, as further limited by Section 15.15.060'

LEGAL

DESCRIPTION: Lot 4, except the North 3.5 feet thereof, and Lots 5 through 8, all in Country Club Acres, City of Council Bluffs, Pottawattamie County, Iowa.

LOCATION: Undeveloped land located immediately south of 3554 S. Expressway.

APPLICANT: David H. Edwards
1029 32nd Avenue, Council Bluffs, IA 51501

OWNER: P D M, LLC c/o Mike Jensen
200 Upland Drive, Council Bluffs, 51503

REPRESENTATIVE: John H. Jerkovich
535 W. Broadway, Suite 100, Council Bluffs, IA 51503

BACKGROUND INFORMATION – The Community Development Department has received an application from David Edwards for a conditional use permit to allow an 'automotive sales and rental' use in a C-2/Commercial District on property legally described above. The subject property is comprised of 4.82 acres of undeveloped land. A letter of intent and preliminary plans provided by the applicant state a complete Chrysler line dealership (Chrysler, Dodge, Jeep and Ram) and a new 24,500 square foot automotive sales/service/showroom building will be established on the subject property (see Attachments A, B and C). The proposed business hours are 7:00 a.m. to 8:00 p.m. Monday through Saturday and closed on Sunday. The applicant's letter states the new dealership will bring 60 to 100 new jobs into Council Bluffs and that all site lighting and signage will comply with City standards.

CURRENT ZONING AND LAND USE – The subject property is zoned C-2/Commercial District (see Attachment D). Surrounding zoning includes C-2 District to the south and west; I-2/General Industrial District to the north and west; and P-C/Planned Commercial to the east (across the South Expressway). Existing land uses include a vacant commercial property to the north; residential dwellings (Country Club Acres) and a salvage yard to the west; an automotive service and retail shopping establishment to the south; and undeveloped land to the east. The future land use plan of the Bluffs Tomorrow: 2030 Plan identifies the property as 'local commercial'. The proposed use is consistent with the 'local commercial' designation.

The Zoning Board of Adjustment granted the following conditional use permit and variances on properties located in the general vicinity of the request:

- 3629 Richland Drive – Conditional use permit for an auto salvage yard (Case #CU-68-003, approved on 12/5/1968).

- Exhibit A:** 2016 aerial photograph of the subject property and surrounding area.



Attachment D: Location/zoning map

CITY DEPARTMENTS AND UTILITIES – All City departments and local utility providers were notified of the proposed conditional use permit request. The following comments were received:

Council Bluffs Building Division – No comments and/or concerns regarding the proposed request.

Public Health Department – No comments and/or concerns regarding the proposed request.

Parks, Recreation and Public Properties Department – No comments and/or concerns regarding the proposed request.

Council Bluffs Police Department – No comments and/or concerns regarding the proposed request.

Council Bluffs Fire Department - No comments and/or concerns regarding the proposed request.

Public Works Department:

1. The subject property and surrounding area have severe stormwater drainage issues. The upland areas along with Laterals 5 and 5A downstream of the subject property drain poorly. The Public Works Department and the applicant's engineer have held discussions regarding storm water management for the proposed development. The Public Works Department stated the stormwater management plan shall address water quality and water quantity.
2. A traffic impact study for the proposed development shall be submitted to the Public Works Department for review.

Community Development Department:

1. The minimum lot size required for an 'automobile sales and rental' use is 25,000 square feet, as per Section 15.03.048a, *Definition, Automobile sales and rental*, of the Council Bluffs Zoning Ordinance. The subject property is comprised of 4.82 acres of undeveloped land which exceeds the minimum lot size required for the use.
2. The conceptual site plan for the development shows the location of the proposed 24,500 square foot automotive sales/service/showroom building, stormwater detention and vehicle display areas. Additionally, the applicant provided conceptual renderings of the proposed dealership building. The Community Development has the following comments as they relate to the submitted plans and proposed use:
 - a. The subject property is zoned C-2/Commercial District. The applicant shall submit to the City a fully dimensioned and labeled site plan that demonstrates all building construction associated with the development will comply with Chapter 15.15, *C-2/Commercial District* of the Council Bluffs Zoning Ordinance, prior to issuance of any permits for the development.
 - b. The applicant shall submit to the City a detailed parking plan that demonstrates all proposed off-street parking areas, access aisles and vehicle display areas will be hard-surfaced paved and designed to comply with standards stated in Chapter 15.23 *Off-Street Parking, Loading and Unloading* of the Council Bluffs Zoning Ordinance. All parking areas shall be constructed in compliance with City standards prior to the business operating. No vehicles shall be allowed to park on an unpaved surface and/or within any required parking lot green space areas.
 - c. A minimum of 10 trees shall be planted along the frontage of the subject property, within the required five foot-wide parking lot setback area, adjacent to the South Expressway right-of-way. Each tree shall measure a minimum of six feet in height and shall have a minimum diameter of 1.5 inches at the time of planting. In the event trees cannot be planted due to design difficulties the applicant can substitute 10 shrubs, with a minimum 24 inch spread, per tree planting. A detailed landscaping plan showing the location, type and size of all proposed landscape plantings shall be submitted to the City for approval. All landscape plantings shall be installed prior to the business operating.
 - d. The subject property abuts a residential subdivision to the west. The existing residential dwellings are legal nonconforming, as residential uses are not permitted in a C-2 District. The applicant shall install a screen fence along the property boundary abutting said residential dwellings in Country Club Acres.

- The screen fence shall be designed to comply with the standards stated in Section 15.24.040(04), *Required Fences*, of the Council Bluffs Zoning Ordinance and shall be installed prior to the business operating.
- e. The submitted renderings did not clarify the type of the building materials that will be used to construct the exterior walls of the proposed automotive sales/service/showroom structure. The subject property is located within close proximity to the Lake Manawa Power Center and Metro Crossing, which are established planned commercial developments in the City of Council Bluffs. The property is also located immediately west of a large undeveloped tract of land zoned P-C District. The Community Development Department recommends that flat concrete block and/or corrugated metal siding not be allowed on any exterior façade walls for the proposed development. in order to provide a compatible architectural design with the two aforementioned shopping centers nearby.
 - f. The applicant's plan submittal did not include details on signage for the proposed development. All signage on the subject property shall comply with Chapter 15.33 *Signs* of the Council Bluffs Zoning Ordinance.
 - g. The applicant's plan submittal did not include details on exterior lighting for the proposed development. All exterior lighting on the subject property shall comply with Section 15.24.050, *Lighting Controls* of the Council Bluffs Zoning Ordinance.
 - h. The northerly portion of Lot 4, Country Club Acres is located in an AH Flood Zone as per FEMA Flood Panel Map #19155C0576E, dated February 4, 2005. The conceptual site plan shows a stormwater detention basin and vehicle display in this area of the subject property. The applicant shall contact Steve Carmichael (Chief Building Official/Floodplain Administrator for the City of Council Bluffs) to ensure all development activity in said AH Flood Zone area complies with all Federal, State and local regulations.
 - i. No exterior storage shall be permitted at this location.

Black Hills Energy – No comments or concerns regarding the proposed request.

Council Bluffs Water Works – The subject property has access to water along the South Expressway. No comments and/or concerns regarding the proposed request.

Mid-American Energy - The subject property has access to MEC overhead distribution facilities along the South Expressway. No comments and/or concerns regarding the proposed request.

NEIGHBORHOOD RESPONSE – All property owners within 200 feet were notified of the conditional use permit request. One notified was returned to the City as being undeliverable. No adverse comments have been received as of the date of this report.

COMMENTS

§15.02.090 Conditional Uses: The development and execution of the Ordinance (Title 15) is based upon the division of the City into districts. Within each district the use of land and buildings, and the bulk and location of buildings and structures in relation to the land, are substantially uniform. It is recognized, however, that there are specific uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such uses may be either public or private, and are of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

The Zoning Board of Adjustment shall make findings of fact, based upon the evidence presented at the public hearing, with respect to each of the applicable standards in Section 15.02.090.E (Findings of Fact).

The Zoning Board of Adjustment may impose such conditions and restrictions upon the location, construction, design and use of the property benefited by a conditional use as may be necessary or appropriate to protect the public interest, adjacent property and property values. Failure to maintain such conditions or restrictions as may be imposed shall constitute grounds for revocation of the conditional use. The terms of relief granted, including any conditions or restrictions, shall be specifically set forth in the concluding statement separate from the findings of fact. No conditional use shall be approved unless the Zoning Board of Adjustment makes findings of fact based directly on the standards and conditions imposed by this section. The findings of fact are presented below *in italics*:

1. The proposed conditional use will comply with all applicable regulations of this Ordinance, including lot requirements, bulk regulations, use limitations and all other standards or conditions contained in the provisions authorizing such use. *The subject property is comprised of 4.82 acres of undeveloped land which exceeds the minimum 25,000 square feet required for an 'automotive sales and rental' use, as per Section 15.03.048a, Definition, Automobile sales and rental, of the Council Bluffs Zoning Ordinance. Modifications and additional details are required relative to the proposed site plan; however, it appears that the land is sufficient for compliance with adopted City regulations. The development must be in accordance with all adopted City codes.*
2. Adequate utility, drainage and other necessary facilities or improvements have been or will be provided. *The subject property has access to all necessary utilities (e.g., gas, electricity, sanitary sewer, storm sewers and water) for operating the proposed 'automobile sales and rental' use on the subject property. Any future cost to extend, modify or otherwise relocate any utilities/facilities shall be at the cost of the owner/applicant and not the financial responsibility of the City of Council Bluffs. The applicant shall provide a detailed storm water management plan to the Council Bluffs Public Works Department that addresses water quality and quantity for the proposed 'automobile sales and rental' use. Additionally, the applicant shall ensure all development activity within the designated AH Flood Zone area on the subject property complies with all applicable Federal, State and local regulations.*
3. Adequate access roads or entrance and exit drives will be designed and built to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys. *The subject property has direct access to the South Expressway. The conceptual site plan shows two vehicular ingress/egress locations for the site. The applicant shall submit a traffic analysis of the proposed 'automobile sales and rental' use to the Council Bluffs Public Works Department prior to issuance of any permits for the development. Additionally, the applicant shall submit a detailed parking lot plan that demonstrates the proposed 'automobile sales and rental' use will comply with all applicable off-street parking standards stated in Chapter 15.23 Off-Street Parking, Loading and Unloading of the Council Bluffs Zoning Ordinance. All required parking lot improvements shall be completed prior to the proposed 'automobile sales and rental' use operating on the subject property.*
4. All necessary permits and licenses required for the operation of the conditional use have been obtained, or it clearly appears that such permits are obtainable for the proposed conditional use on the subject property. *The applicant shall obtain all required permits from the City prior to commencing any development activity on the subject property. All proposed signage shall receive a sign permit from the City prior to installation.*
5. All exterior lighting shall be shaded as necessary to direct the light away from neighboring residential properties. *No new exterior lights are proposed at this time. Any future exterior lights shall be designed to comply with Section 15.24.050, Lighting Controls, of the Council Bluffs Zoning Ordinance.*
6. The location and size of the conditional use, the nature and intensity of the activities to be conducted in connection with it, the size of the site, and the relationship of the site to adjacent roadways shall be considered to assure the use is in harmony with the appropriate and orderly development of the district and the neighborhood in which it is located. *The subject property is zoned C-2 Commercial District and exceeds the minimum the lot size required for an 'automobile sales and rentals' use, as per Section 15.03.048a, Definition, Automobile sales and rental, of the Council Bluffs Zoning Ordinance. Surrounding land uses are comprised of a mixture of commercial, industrial and residential uses. The applicant shall provide a 100% opaque fence along their*

property boundary abutting the residential dwellings in the Country Club Acres subdivision. The fence shall be designed to comply with standards stated in Section 15.24.040(04), Required Fences, of the Council Bluffs Zoning Ordinance. If developed in full compliance with adopted City requirements the proposed request is not anticipated to have a negative impact on existing or future land uses in the surrounding area.

7. The location, nature and height of buildings, structures, walls and fences on the site, and the nature and extent of landscaping and screening on the site shall be designed so that the use will not reasonably hinder or discourage the appropriate development, use and enjoyment of the adjacent land, buildings and structures. *Additional information is needed regarding the building materials for the proposed 'automobile sales and rentals' use. All building construction on the subject property shall comply with the development standard stated in Chapter 15.15, C-2/Commercial District, of the Council Bluffs Zoning Ordinance. Flat concrete block and/or corrugated metal siding shall not be allowed on any exterior walls for design compatibility purposes with nearby Lake Manawa Center and Metro Crossing shopping centers. A detailed parking lot plan shall be submitted to the City which demonstrates all proposed off-street parking areas will comply with Chapter 15.23, Parking, Loading and Unloading of the Council Bluffs Zoning Ordinance. No vehicles shall be parked and/or stored on an unpaved parking surface. The applicant shall submit a detailed landscaping plan showing tree plantings within the parking lot setback area, adjacent to the South Expressway right-of-way, to the City. All parking lot improvements and landscape plantings shall be complete prior to the business operating.*

8. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is located and will contribute to and promote the convenience and welfare of the public. *It is not anticipated that the proposed use will adversely impact the surrounding properties.*

RECOMMENDATION

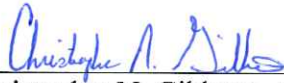
The Community Development Department recommends approval of the request for a conditional use permit to allow a 'automobile sales and rental' use in a C-2 Commercial District on property legally described as Lot 4, except the North 3.5 feet thereof, and Lots 5 through 8, all in Country Club Acres, City of Council Bluffs, Pottawattamie County, Iowa subject to the comments above and conditions bellows:

1. The applicant shall secure all necessary permits and licenses for the operation of the conditional use and shall comply with all applicable Federal, State and local codes.
2. The hours of operations shall be as presented in the application.
3. A fully dimensioned and labeled site plan shall be submitted to the City that demonstrates all proposed building construction on the subject property will comply with Chapter 15.15, C-2/Commercial District of the Council Bluffs Zoning Ordinance, prior to issuance of any permits.
4. A detailed parking lot plan showing the location and dimensions of all proposed parking spaces, driveways, drive aisles and parking lot buffers shall be submitted to the City, prior to issuance of any permits for the development. All parking areas shall comply with the standards stated in Chapter 15.23, Parking, Loading and Unloading, of the Council Bluffs Zoning Ordinance. All parking lot improvements shall be complete prior to the business operating.
5. A minimum of 10 trees shall be planted along the frontage of the subject property, within the required five foot-wide parking lot setback area, adjacent to the South Expressway right-of-way. Each tree shall measure a minimum of six feet in height and shall have a minimum diameter of 1.5 inches at the time of planting. In the event trees cannot be planted due to design difficulties the applicant can substitute 10 shrubs, with a minimum 24 inch spread, per tree planting. A detailed landscaping plan showing the location, type and size of all proposed landscape plantings shall be submitted to the City, prior to issuance of any permits for the development. All landscape plantings shall be installed prior to the business operating.
6. No vehicles shall be parked, stored and/or displayed on any unpaved surfaces or within any green space areas on the subject property.
7. Flat concrete block and/or corrugated metal siding materials shall not be used on any exterior façade building walls.

8. A 100% opaque fence shall be installed along the property boundary abutting the residential dwellings in the Country Club Acres subdivision, prior to the business operating. The fence shall be designed to comply with standards stated in Section 15.24.040(04), *Required Fences*, of the Council Bluffs Zoning Ordinance.
9. All exterior lighting shall comply with the standards stated in Section 15.24.050, *Lighting Controls*, of the Council Bluffs Zoning Ordinance.
10. All signage shall comply with the standards in Chapter 15.33, *Signs*, of the Council Bluffs Zoning Ordinance.
11. No exterior storage shall be permitted on the subject property.
12. A detailed storm water plan addressing water quality and quantity shall be submitted to the Council Bluffs Public Works Department prior to issuance of any permits for the development.
13. A traffic study for the proposed use shall be submitted to the Council Bluffs Public Works Department prior to issuance of any permits for the development.
14. All development activity within the designated AH Flood Zone on Lot 4, Country Club Acres shall comply with all applicable Federal, State and local regulations.



Rose E. Brown, AICP
Planning Coordinator



Christopher N. Gibbons, AICP
Planner

EDWARDS AUTO GROUP

APPLICATION- ZONING BOARD OF COUNCIL BLUFFS

- Property located along South Expressway approximately 4040 South Expressway.
- Legal Description: COUNTRY CLUB ACRES LT 4 EXC N3.5' & ALL LTS 5 & 6
- Current land owner is PDM, LLC and in under contract to sell land to David H. Edwards.

Edwards Auto Group is planning to put a complete Chrysler Line Dealership that would include but not be limited to:

- Chrysler
- Dodge
- Jeep
- Ram

The operational hours that the dealership will run are Monday through Saturday with the hours being roughly 7:00am to 8:00pm and closed on Sunday. The building is going to be approximately 24,500 square feet. This dealership is going to be a full service store complete with multiple showrooms, sales, parts and service. It will bring anywhere between 60 to 100 new jobs to the Council Bluffs market. All lighting and signage will meet the codes and standard permitted by the city.

Edwards Auto Group is a strong supporter of Council Bluffs, it was started 35 years ago and has continued to grow ever since. Last year, Edwards opened its first Nebraska dealership bringing the group to six different locations and fourteen franchises. Edwards' is proud to have over 450 employees throughout their Council Bluffs, Storm Lake and Bellevue stores and are excited by the opportunity to expand and open more jobs to the residents of Council Bluffs.

Dave Edwards owns the 3554 South Expressway, LLC that owns the property that is next to this bare ground located at 3554 South Expressway. Currently the Edwards Group is looking at remodeling the current building and having a first class operation. The plan for Edwards is to have cohesive look for this current building and the new buildings that will be built. If you approve this application, the projection for investment for Edwards Group is approximately 9 million dollars in improvements to this entire project. This will also bring new economic development to Council Bluffs, expand the tax base and create new jobs. We appreciate your consideration and look forward to your approval.

Edwards AUTO GROUP



Jeep Facility Requirements CDR&J





FIAT CHRYSLER AUTOMOBILES

Jeep Standalone “Breezeway” Concept



8/19/2016

NAFTA
REGION



CASE #CU-17-001 ATTACHMENT B